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November 4, 2019

Via ECF Filing

The Honorable Nancy Torresen
United States District Court
for the District of Maine
Edward T. Gignoux U.S. Courthouse
156 Federal Street
Portland, ME 04101

RE: *Comcast of Maine/New Hampshire, et al. v. Mills, et al.*
Docket No. 1:19-cv-00410-NT

Dear Judge Torresen:

I am writing to bring to the Court's attention supplemental authority regarding two issues that were raised during the hearing on Friday, November 1, 2019. First, the following two cases relate to the Court's question regarding the interpretation of state statutes to avoid constitutional issues: *Nat'l Pharmacies, Inc. v. Feliciano-de-Melecio*, 221 F.3d 235, 241–42 (1st Cir. 2000) (“[F]ederal courts are nevertheless instructed to render interpretations of state law by using the same methods that the state court would use . . . , including the principle that statutes should ordinarily be given a constitutional interpretation where fairly possible.”); *Vote Choice, Inc. v. DiStefano*, 4 F.3d 26, 41–42 (1st Cir. 1993) (“It is, moreover, axiomatic that, when a state legislature has sounded an uncertain trumpet, a federal court charged with interpreting the statute ought, if possible, choose a reading that will harmonize the statute with constitutional understandings and overriding federal law.”).

Second, the following case relates to plaintiffs' counsel's argument that the Attorney General's interpretation of Maine P.L. 2019 ch. 308 should not be considered because it was not issued more formally. *March v. Mills*, 867 F.3d 46, 60 & n.11 (1st Cir. 2017) (considering Attorney General's interpretation of statute advanced at oral argument), *cert. denied*, 138 S. Ct. 1545 (2018); *see also id.*, at 67.

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Very truly yours,

/s/ Christopher C. Taub
Christopher C. Taub
Assistant Attorney General

cc: All Counsel of Record
(via ECF)